IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12884 of 2004

Between:

1 G. Parvathi, W/o G. Nagappa, Hindu,
R/o Emboy Village, Bethamcherla Mandal, Kurnool District.
2 M. Ramadevi, W/o M. Ramesh, Hindu,
R/o Bugganipalli Village, Bethamcherla Mandal, Kurnool District.

.....PETITIONERS

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District.
3 The Mandal Revenue Officer, Bethamcherla, Mandal, Kurnool District.
4 K. Naga Prameelamma, W/o Bhogeswarappa, Hindu,
R/o Emboy Village, Bethamcherla, Mandal, Kurnool District.
5 A. Nageswaraiah, S/o Naganna,
R/o Buganipalli Village, Bethamcherla, Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in rejecting the candidature of the petitioners without considering experience and qualifications by his proceedings Rc.B/492/2004 dt. 22-6-2004 as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to continue the Fair Price Shop Dealers of their respective villages

Counsel for the Petitioners: MR.A.JAYA SANKARA REDDY
Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORAL ORDER:

The writ petition is filed by the petitioners aggrieved by the proceedings of the 2nd respondent – The Revenue Divisional Officer, Kurnool, Kurnool District whereunder the respondents 4 and 5 have been appointed on permanent basis as Fair Price Shop Dealers of Embai (V) and Bugganipalli (V) of Bethamcherla Mandal. The petitioners claim to be the temporary dealers.

It is relevant to note that against the impugned proceedings an alternative remedy is available under the statute by way of appeal before the 1st respondent-the Joint Collector, Kurnool, Kurnool District. As a matter of fact, the petitioners have already preferred an Appeal before the 1st respondent along with a stay petition. Hence, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the petition for stay filed by the petitioners in the appeal filed against the orders dated 22-06-2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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23rd July, 2004.

BUD/TSNR

To

1. **The Joint Collector,**

   Kurnool,

   Kurnool District.

2. **The Revenue Divisional Officer,**

   Kurnool, Kurnool District,

3. **The Mandal Revenue officer,**

Bethamcherla Mandal,

Kurnool District

4. **2 copies to the Government Pleader for Civil Supplies,**

   High Court Buildings, High Court of Andhra Pradesh,

   Hyderabad. (O.U.T.)

5. 2 CD Copies.